

**Andree Greenberg - Re: Question re Cargill maintenance**

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**From:** Habte Kifle  
**To:** Shin-Roei Lee  
**Date:** 3/27/2012 10:37 AM  
**Subject:** Re: Question re Cargill maintenance  
**CC:** Andree Greenberg; Brian Thompson; Brian Wines; Dale Bowyer; Dyan Whyte; Lila Tang

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Hi Shin-Roei,

Following our February 21, 2012, compliance status internal meeting, I drafted a letter and it is in review by my supervisor. The scope of the letter is to request Cargill to provide an explanation for its grading and earth moving activities, exclusively at Crystallizer pond 4 at the Redwood City plant and salt pond 13 at the Newark plant. The target is to mail the letter to Cargill at the end of this week.

In regard to the proposed work, Cargill is required to submit a workplan for its proposed maintenance activities before any actual work on the ground, pursuant to its water quality certification requirements. I differ the regulatory approval and checking the consistency of the proposed specific activities to permit provision to Brian Wines. Based on my review of the proposed activities, those activities appear consistent with permit provisions.

Habte

>>> Stephen Knight <sknight@savesfbay.org> 3/23/2012 5:07 PM >>>  
 Dear Shin-Roei –

I was looking at this latest maintenance letter from Cargill to BCDC/USACE (RWQCB is cc'd) and wondered if their description of the work being done on the Redwood City site is consistent with the significant excavation activity brought to the agencies' attention by Peter Baye in 2010.

The excavation work does not seem to fall into any of these categories of work described by Cargill.

### **Redwood City Plant Site:**

**The Plant Site remains in the fee ownership of Cargill. Proposed work includes routine levee maintenance, maintenance of existing rip rap and replacement of various pilings, dolphins and walkways (as needed).**

Thank you for your attention to this matter.

--  
 Stephen Knight  
 Political Director, Save The Bay  
[sknight@savesfbay.org](mailto:sknight@savesfbay.org) | 510.463-6812 | [@saveSFbay](#)  
Help us plant 30,000 native seedlings this winter!

**Andree Greenberg - Fwd: Question re Cargill maintenance**

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**From:** Andree Greenberg  
**To:** Shin-Roei Lee  
**Date:** 3/27/2012 10:03 AM  
**Subject:** Fwd: Question re Cargill maintenance  
**CC:** Brian Thompson; Habte Kifle  
**Attachments:** Question re Cargill maintenance

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Hi Shin-Roei,

I'm copying Brian Thompson and Habte on this forwarded email from Stephen Knight (Save the Bay). I believe you met with Carin High last year to discuss Peter Baye's attached report stating that Cargill was performing work not covered in it's permit, and I believe Habte was looking into it. Stephen questions whether the new maintenance permit is also inconsistent with what has been going on in the Cargill ponds. If after reviewing the attached maintenance letter and report you, Brian, or Habte have time to respond to Stephen Knight, that would be good. If you don't have time to respond to him but have comments, please let me know.

Thanks!  
Andree

**Andree Greenberg - Re: Question re Cargill maintenance**

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**From:** Shin-Roei Lee  
**To:** Stephen Knight  
**Date:** 3/28/2012 2:01 PM  
**Subject:** Re: Question re Cargill maintenance  
**CC:** Andree Greenberg

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Hi Stephen, I hope to get back to you a week from today. I am asking Brian Wines to review Cargill's March 1, 2012, notification about its proposed work in 2011-2012. Another staff, who is outside my division is still investigating Cargill's past activities. I will let you know what the status is from his investigation next week. Thanks!

>>> Stephen.Knight <sknight@savesfbay.org> 3/23/2012 5:07 PM >>>  
Dear Shin-Roei -

I was looking at this latest maintenance letter from Cargill to BCDC/USACE (RWQCB is cc'd) and wondered if their description of the work being done on the Redwood City site is consistent with the significant excavation activity brought to the agencies' attention by Peter Baye in 2010.

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Thank you for your attention to this matter.

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[Help us plant 30,000 native seedlings this winter!](#)

## Andree Greenberg - Re: Fwd: Question re Cargill maintenance

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**From:** Brian Wines  
**To:** Shin-Roei Lee  
**Date:** 3/28/2012 3:40 PM  
**Subject:** Re: Fwd: Question re Cargill maintenance  
**CC:** Andree Greenberg; Dale Bowyer

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The following kinds of work in the ponds are proposed for 2012 - 2013.

1. Grading of levee tops to maintain accessibility of levee top roads.
2. Discing of levee tops.
3. Repair of existing areas of rip rap.
4. Removal of sediment that has built up around siphon inlets/outlets.
5. Opening and closing dredge locks to let the "mallard" in and out of pond complexes.

I don't see any mention of filling ponds or re-grading pond bottoms

Also, Cargill states in the report that they still contest ACOE jurisdiction over many activities, pursuant to the Clean Water Act and they continue to dispute BCDC jurisdiction under McAteer-Petris over the maintenance activities. They are silent on the issue of Porter-Cologne jurisdiction.

Brian Wines  
Water Resources Control Engineer  
San Francisco Bay Regional Water Quality Control Board  
510-622-5680

>>> Shin-Roei Lee 3/28/2012 1:53 PM >>>

Hi Brian, Habte is following up with Cargill regarding Peter Baye's letter on past activities. However, attached to Stephen Knight's email is a March 1, 2012, letter from Cargill notifying what it plans to do between June 2012 and May 2013. Please review and let me and Dale know if the proposed activities are covered and are consistent with our WQC. I can then get back to Stephen Knight of Save the Bay. Thanks!

## **Andree Greenberg - Fwd: Question re Cargill maintenance**

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**From:** Shin-Roei Lee  
**To:** Brian Wines  
**Date:** 3/28/2012 1:55 PM  
**Subject:** Fwd: Question re Cargill maintenance  
**CC:** Andree Greenberg; Dale Bowyer  
**Attachments:** Question re Cargill maintenance

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Hi Brian, Habte is following up with Cargill regarding Peter Baye's letter on past activities. However, attached to Stephen Knight's email is a March 1, 2012, letter from Cargill notifying what it plans to do between June 2012 and May 2013. Please review and let me and Dale know if the proposed activities are covered and are consistent with our WQC. I can then get back to Stephen Knight of Save the Bay. Thanks!



March 1, 2012

Lt. Col. Torrey A. DiCiro  
District Commander  
U.S. Army Corps of Engineers  
San Francisco District  
1455 Market Street, Rm 1673  
San Francisco, CA 94103-1398

Mr. Stephen Goldbeck  
Acting Executive Director  
San Francisco Bay Conservation  
and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

Subject:       Advanced Notification of Proposed Work Plan  
                  Cargill Salt's June 2012 – May 2013 Maintenance Work Plan

Dear Lieutenant Colonel DiCiro and Mr. Stephen Goldbeck:

I am transmitting the report for Cargill's proposed maintenance of our Solar Salt Operations for the next permit period (June 2012 to May 2013). Cargill's current maintenance permit through BCDC has been extended by administrative action through January 10, 2013. BCDC is currently reviewing both the draft environmental assessment (EA) and the comments received from the peer review panel. Cargill's current maintenance 10-year permit through the USACE, File Number: 2008-00160S, was issued on September 10, 2010.

Included in this submittal are a narrative summary and a tabular summary of our proposed activities. Your review and questions are encouraged. Please feel free to direct questions to Sean Riley at (510) 790-8625. Formal inquiries and written comments on the Maintenance Work Plan Report for June 2012 – May 2013 should be sent to both the Corps of Engineers and the San Francisco Bay Conservation and Development Commission (within 30 days).

The agency contacts are:

Greg Brown, Permit Manager  
U.S. Army Corps of Engineers  
San Francisco District, South Section  
1455 Market Street  
San Francisco, CA 94103-1398  
(415) 503-6773

&

Andrea Bennett, Coastal Program Analyst  
San Francisco Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111  
(415) 352-3626

Baumberg:

Pond 3C remains in the ownership of Cargill and is not part of the South Bay Salt Pond Restoration Project. Routine levee maintenance is being proposed for Pond 3C. Cargill is working with CDFG on removing or plugging piping (see tabular summary for additional details).

Cargill – West Bay:

Cargill retained approximately 2 acres in fee ownership within pond SF2 (the salt pond on the western end of the Dumbarton Bridge which has been conveyed to the Federal Government). Cargill is proposing to relocate an earthen portable pump pad.

Redwood City Plant Site:

The Plant Site remains in the fee ownership of Cargill. Proposed work includes routine levee maintenance, maintenance of existing rip rap and replacement of various pilings, dolphins and walkways (as needed).

Plant 1 and 2 Systems:

The Plant 1 and Plant 2 systems serve in unison as Cargill's salt making system. The crystallizer beds, bittern shipping ponds, wash ponds, and multipurpose ponds within what Cargill terms the Plant Site or Industrial Complex, remain in Cargill's ownership.

Our maintenance efforts for this year and for future years will be focused on Plants 1 and 2. The Mallard performs levee maintenance activities along with land based equipment within Plant 1 and Plant 2 Systems. Work activities include: levee topping or beaching, entering

and exiting locks, general levee maintenance (grading, discing, rip rap, placement of gravel on roads, and other activities), and routine maintenance (maintain, repair and replace: pumps, pipes supports, gates, and other work (see tabular summary for additional information)).

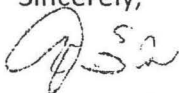
More detail for each of these projects and all others is provided in the accompanying supportive text and matrix sections of this report. In addition, after consideration of this maintenance report and comments from regulatory agencies and the public, more detailed plans for maintenance can be made available for staff review by the Commission and Corps upon their request.

The work listed in this report, our proposed June 2012 – May 2013 maintenance work plan is limited to work designed to facilitate and maintain continued solar salt production.

Cargill historically has reserved its right to argue that the type and location of the work described in the enclosed work plan is outside the jurisdiction of the Corps and/or exempt from permit requirements under section 404(f) of the Clean Water Act, 33 U.S.C. § 1344(f). Therefore, as we have done in the past, we make the same reservation of rights here, noting that by submitting this application and supporting materials Cargill does not waive – and expressly reserves – its position that the work described in the work plan is outside Corps jurisdiction and/or exempt from permit requirements. While reserving all rights, we want to continue to enhance our communication and working relationship with your office to assure timely and effective completion of essential work in and around San Francisco Bay.

Comments from resource agencies and the public will be reviewed and evaluated by the Corps of Engineers and the San Francisco Bay Conservation and Development Commission. All comments by agency staff will be resolved with Cargill Salt before the maintenance work plan is approved.

Sincerely,



Sean D. Riley  
Environmental Manager

cc: USFWS Sacramento

CDFG

DESFBNWR

RWQCB

Public Mailing List

NMFS

Pat Mapelli, Cargill's Real Property Manager